

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal No. 18-cr-00267-01, -02,
)	-04, -05, -06
ANTHONY FIELDS, et al.,)	(APM)
)	
Defendants.)	
)	

**ORDER ON DEFENDANT SAMUEL’S
MOTION TO SUPPRESS STATEMENTS**

Defendant Samuels moves to suppress statements he made to law enforcement following his arrest on May 10, 2018, on the ground they were involuntarily obtained in violation of the Fifth Amendment. *See* Def.’s Mot. to Suppress Statements, ECF No. 92. Samuels asserts that his statements were involuntary because they “were made while the defendant was ill and not competent to waive his rights.” *Id.* at 2.¹ Specifically, he claims he was “suffering from heroin withdrawal” at the time. *Id.* at 3. The motion is denied.

“Voluntariness turns on whether the ‘defendant’s will was overborne’ when he gave his statement, and the test for this is whether the statement was a ‘product of an essentially free and unconstrained choice by its maker.’” *United States v. Murdock*, 667 F.3d 1302, 1305 (D.C. Cir. 2012) (quoting *Schneckloth v. Bustamonte*, 412 U.S. 218, 226 (1973) and then *Culombe v. Connecticut*, 367 U.S. 568, 602 (1961)). “[C]oercive police activity is a necessary predicate to the finding that a confession is not ‘voluntary.’” *Colorado v. Connelly*, 479 U.S. 157, 167 (1986).


¹ Defendant does not move to suppress on the ground that his *Miranda* rights were violated.

In this case, the court has listened to the audio recording of Defendant's interrogation and can discern no coercive police activity. Law enforcement delivered Defendant's *Miranda* rights, which he knowingly and voluntarily waived. Defendant does not contend otherwise. Also, Defendant agreed at the start of his interrogation that his statements were free of "pressure, force, or anything like that." Gov't's Omnibus Resp., ECF No. 95, at 43. And, during the remainder of the questioning, Defendant did not sound confused or disengaged. Law enforcement did not pose any inappropriate questions to Defendant, and did not mistreat him in any way that is apparent. In short, nothing on the present record supports a finding of involuntariness.

Defendant's assertion that he was "suffering from heroin withdrawal" during his interrogation, even if true, does not alter the result. The "mere fact that one has taken drugs, or is intoxicated, or mentally agitated, does not render consent involuntary." *United States v. Rambo*, 789 F.2d 1289, 1297 (8th Cir. 1986); *see also United States v. Gay*, 774 F.2d 368, 377 (10th Cir. 1985).

Before concluding, the court notes that in denying Defendant's motion it has considered only the factual proffer in his motion and the audio recording of the interrogation. Should Defendant wish to introduce additional evidence, including his own testimony, he shall notify the court and the government no later than February 1, 2019, so that the government can have witnesses available at the hearing on February 6, 2019, if needed.

For the foregoing reasons, Defendant's Motion to Suppress Statements is denied.


Amit P. Mehta
United States District Judge

Date: January 23, 2019